

IN THE CLAIMS

1. (Previously Amended) An LCD panel fixing structure for fixing and holding an LCD panel, comprising:
 - a first holding member; and
 - a second holding member for engaging the first holding member to hold an LCD panel therebetween,
 - wherein at least one of the first holding member and the second holding member includes a depression for engaging a peripheral edge of an LCD panel to hold the LCD panel therebetween, and
 - wherein a portion of at least one of the first and second holding members that engages the other of the first and second holding members is comprised of an elastically deformable material.
2. (Previously Amended) An LCD panel fixing structure according to claim 1, wherein said depression is provided in only one of said first holding member and said second holding member.
3. (Previously Amended) An LCD panel fixing structure according to claim 1, wherein said depression is provided in both said first holding member and said second holding member.
4. (Previously Amended) An LCD panel fixing structure according to claim 1, wherein said second holding member is frame shaped, and comprises a depression part at an inner periphery thereof for engaging a peripheral edge of an LCD panel held therebetween.
5. (Previously Amended) An LCD panel fixing structure according to claim 1, wherein at least one of said first and second holding members has a structure that does not cause said LCD panel to deform when subjected to pressure.

6. (Previously Amended) An LCD panel fixing structure according to claim 1, wherein a portion of said at least one of said first and second holding members in which said depression is provided is formed of said elastically deformable material.

7. (Previously Amended) An LCD panel fixing structure according to claim 1, wherein all of at least one of said first and second holding members is formed of said elastically deformable material.

8. (Previously Amended) An LCD panel fixing structure according to claim 1, wherein portions of both said first and second holding members in which said depression is provided are made of said elastically deformable material.

9. (Previously Amended) An LCD panel fixing structure according to claim 1, wherein all of both said first and second holding members is made of said elastically deformable material.

10. (Previously Amended) An LCD panel fixing structure according to claim 1, wherein said first and second holding members are fixed to each other with a holding member that is not a screw.

REMARKS

Claims 1-10 are present for examination.

Claims 1-10 stand rejected under 35 USC 103 as unpatentable over Nakamura (6,342,933) in view of Won (6,330,148), further in view of Kajiwara (5,801,542) and further in view of Iwamoto (5,710,607).

The Examiner recognizes that the primary reference of Nakamura does not disclose three of the key limitations set forth in applicant's claim 1 as explained in Applicant's prior amendment filed October 15, 2003. These three key limitations are (1) the holding/engaging structure, (2) the depression/recess structure and (3) the deformable/elastic structure. The Examiner then points to three completely different structures to isolate each of the three limitations separately within particular disparate structures in order to arrive at applicant's claimed invention. The Examiner asserts that Won shows the holding/engaging structure; that Kajiwara discloses the depression/recess structure and that Iwamoto discloses the deformable/elastic structure.

The Examiner's rejection is respectfully traversed.

Even if applicant assumes, for the sake of argument, that each of the Won, Kajiwara and Iwamoto references disclose the subject matter as claimed by the Examiner, the Patent and Trademark Office still has not made out a prima facie case of obviousness under the provisions of 35 USC 103. There is simply no motivation within these references to combine them in a manner suggested by the Examiner. For example, what would motivate one to change the structure of Nakamura in order to have the pressing portion 17a make direct contact with the convex portion 11a (Nakamura figure 1). Assuming this were done, how would the driving circuit substrate 12 actually be held in place? Similar problems exist in combining the other references in some unknown manner by completely rearranging the structure disclosed so as to somehow incorporate the limitations of all three patents into a single embodiment.

It might be helpful if the Examiner appreciated that the prior art, to the extent that elastic or deformable members are utilized, configures these elastic and deformable members to make direct contact with the circuit board or LCD panel which is desired to be secured. In contrast, applicant's invention utilizes the deformable member as part of or as a member in between the two holding members. Thus, the deformable members do not make contact with the LCD panel itself, but rather make contact with the frame or holding member – and herein lies a key distinction over the prior art. Of course, applicant's claim, taken as a whole, requires all of the limitations to be found or made obvious by the prior art, including the limitations wherein the two holding members engage each other, the limitation that at least one of the holding members has a depression that engages the LCD panel at its periphery and a limitation that at least one of the holding members engages the other of the holding members by means of an elastically deformable material.

Absent some motivation to combine, motivation found within the teachings of the prior art references themselves, the Examiner appears to be utilizing mere hindsight reasoning in order to fabricate the section 103 rejection. Applicant is at a complete loss as to what structure one would start with and how one would change that particular structure to insert the elements from the various patents. For example, would one start with the primary Nakamura reference which admittedly fails to disclose either of the three key limitations discussed above and in the prior October 15, 2003 amendment, or does one start with one of the secondary references? Assuming one starts with the primary reference, where is the motivation to change this primary reference in a manner that would incorporate the holding/engaging structure from Won, the depression/recess structure from Kajiwara and the deformable/elastic structure from Iwamoto? How exactly would one do this and why? The Examiner can simply not select bits and features from applicant's claims, show that they exist in the prior art and automatically establish a *prima facie* case of obviousness. Indeed, it is submitted that every limitation of a combination claim can be individually found somewhere in the prior art. However, finding them somewhere in the prior art is not the test of obviousness. Rather, the test of obviousness must rely, at least in part, on making substitutions which make sense and which do not destroy the fundamental structure of the primary reference.


If the Examiner persists in the instant rejection, he is respectfully requested to more particularly define how one would modify a particular starting reference, which elements would be removed, which elements would be replace from another reference and how would they be so replaced, and to particularly point out the motivation within the references themselves to make the substitutions.

In view of the comments set forth above, it is submitted that applicant's claims are not made obvious over the prior art and that the Patent and Trademark Office has not made out a prima facie case of obviousness under the provisions of 35 USC 103.

It is submitted that the application is now in condition for allowance and an early indication of same is earnestly solicited.

Respectfully submitted,

Date February 3, 2004

By 

FOLEY & LARDNER
Customer Number: 22428
Telephone: (202) 672-5407
Facsimile: (202) 672-5399

David A. Blumenthal
Attorney for Applicant
Registration No. 26,257